

**NOTICE OF AVAILABILITY**  
**VOLUNTARY DISPUTE RESOLUTION**

Pursuant to the findings and directives of Congress in 28 U.S.C. §§ 651 *et seq.*, and in recognition of the economic burdens and delay in the resolution of disputes that can be imposed by full formal litigation, Local Rule 16–271 governs the referral of certain actions to the Voluntary Dispute Resolution Program ("VDRP") at the election of parties. Plaintiff or removing party is to provide all other parties with copies of the notice at the time service is effected or, for parties already served, no more than fourteen (14) days after receiving notice from the Court. After filing of the original complaint or removal action, any party who causes a new party to be joined in the action shall promptly serve a copy of the notice on the new party.

It is the Court's intention that the VDRP shall allow the participants to take advantage of a wide variety of alternative dispute resolution methods. These methods may include, but are not limited to, mediation, negotiation, early neutral evaluation and settlement facilitation. The specific method or methods employed will be determined by the Neutral and the parties.

**PLEASE TAKE NOTICE** that pursuant to Local Rule 16–271, ***this Local Rule applies to*** all civil actions pending before any District Judge or Magistrate Judge in the District except that actions in the following categories are exempt from presumptive inclusion: (i) prisoner petitions and actions, including habeas corpus petitions, (ii) actions in which one of the parties is appearing pro se, (iii) voting rights actions, (iv) social security actions, (v) deportation actions, (vi) Freedom of Information Act actions, and (vii) actions involving the constitutionality of federal, state or local statutes or ordinances. The fact that a case falls in a category that is exempt from the presumptive applicability of this Local Rule neither (1) precludes the parties to such a case from agreeing to participate in an Alternative Dispute Resolution ("ADR") process, nor (2) deprives the Court of authority to compel participation in an appropriate ADR proceeding.

Parties may elect Voluntary Dispute Resolution with the Court indicating that all parties to the action agree to submit the action to VDRP pursuant to Local Rule 16–271. Actions may not be assigned to VDRP over the objection of a party. (Copy of sample stipulation attached hereto.) **At the time of filing, a copy of the stipulation shall be provided to the VDRP Administrator designated below:**

Sacramento Cases

Voluntary Dispute Resolution  
Program Administrator  
United States District Court  
501 "I" Street , Suite 4–200  
Sacramento, CA 95814  
(916) 930–4280

Fresno Cases

Voluntary Dispute Resolution  
Program Administrator  
United States District Court  
2500 Tulare Street , Suite 1501  
Fresno, CA 93721  
(559) 499–5600

Attorney Identification  
(include State Bar number)

Attorney(s) for:

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**MARTIN SMITH, ET AL.,**  
Plaintiff(s)

NO. ~~2:07-CV-01608-GEB-KJM~~

v.

**MERCK CO., INC.,**  
Defendant(s)

STIPULATION TO ELECT  
REFERRAL OF ACTION TO VOLUNTARY  
DISPUTE RESOLUTION PROGRAM (VDRP)  
PURSUANT TO LOCAL RULE 16-271

Pursuant to Local Rule 16-271, the parties hereby agree to submit the above-entitled action to  
the Voluntary Dispute Resolution Program.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Name:  
Attorney(s) for Plaintiff(s)

\_\_\_\_\_  
Name:  
Attorney(s) for Defendant(s)